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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,553	07/20/2001	Terence F. Kelly	067808:0113	2566

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EXAMINER

AMINI, JAVID A

ART UNIT

PAPER NUMBER

2672

9

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/909,553	KELLY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Javid A Amini	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 January 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 3-5, 7-9, 11, 13, 14, 16, 17 and 19-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

***Response to Arguments***

Applicant's arguments filed January 29, 2004 have been fully considered but they are not persuasive.

Applicant in line 26 on page 9 argues that the reference Rowe does not describe or suggest a combined graphical information and time-lapse. Examiner's reply: Rowe in figs. 2B, 3A and 3B illustrates the weather programming in the active video and graphics window step 62 of fig. 2. Rowe in fig. 3A resulting in a plurality of overlapping program schedules that must be simultaneously generated and maintained. Rowe in fig. 3A step 87 shows the historical weather that corresponds to fig. 3B information. Rowe in fig. 3B most left column illustrates time lapse for every 30 minutes a day, a week and a year (also see paragraph 0075 for more information).

Applicant in lines 18-20 on page 10 argues that the played back the presentation shows simultaneously time synchronized dynamically changing sky conditions and weather conditions over the selected time period. Examiner's reply: Rowe in fig. 17 step 913 illustrates weather conditions (temperature, animation/video and forecast over 5 day, and in step 970 illustrates the animation/video that simultaneously time synchronized dynamically changing, and also in step 952 shows the control keys to playback the presentation. Rowe in paragraphs 0022 and 0066 teaches the limitation of photography video image using camera.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 7-9, 11, 13, 14, 16, 17 and 19-29 rejected under 35 U.S.C. 102(e) as being anticipated by Rowe et al.

1. Claim 1.

Rowe et al. in para. 0025 teach the step of “ (a) obtaining a time-lapse photography video image sequence of changing sky conditions over a selected time period; (b) recording weather information over the selected time period; (c) generating in a computer a dynamic graphical information presentation of changing weather conditions over the selected time period from the recorded weather information; and (d) combining the dynamic graphical information presentation with the time-lapse photography video image sequence in a time synchronized manner to form a combined graphical information and time-lapse photography presentation in which both the time lapse video image sequence”, Rowe et al. in para. 0289 teach the step of “the dynamic graphical information presentation change dynamically when the combined graphical information and time lapse photography presentation is played to show simultaneously time synchronized dynamically changing sky conditions and weather conditions over the selected time period”. Rowe in fig. 17 step 913 illustrates weather conditions (temperature, animation/video and forecast over 5 day, and in step 970 illustrates the animation/video that simultaneously time synchronized dynamically changing, and also in step 952 shows the control keys to playback the presentation.

2. Claim 3.

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Rowe et al. in para. 0221 teach the step of “combining the time-lapse photography video image sequence and the dynamic graphical information presentation in a time synchronized manner includes the step of time synchronizing the time-lapse photography video image sequence and the dynamic graphical information presentation such that the perceived speed of both the time-lapse photography video image sequence and of the dynamic graphical information presentation accelerates at a beginning of the combined graphical information and time-lapse photography presentation and decelerates at an end of the combined graphical information and time-lapse photography presentation at the same rate”.

3. Claim 4.

Rowe et al. in para. 0221 teach the step of “combining a time-lapse clock display with the combined graphical information and time-lapse photography presentation”.

4. Claim 5.

Rowe et al. in para. 0102 and table A teach the step of “generating the dynamic graphical information presentation includes the step of generating the time-lapse clock display”.

5. Claim 7.

Rowe et al. in para. 0102 and Fig. 2A teach the step of “obtaining a time-lapse photography video image sequence of sky conditions and the step of recording weather information are performed in a time synchronized manner”.

6. Claim 8.

Rowe et al. in para. 0121 and Fig. 2A teach the step of “recording weather information over the selected time period includes recording weather information selected from the group of types of

weather information consisting of: type of precipitation, quantity of precipitation, temperature, wind speed, and wind direction”.

7. Claim 9.

Rowe et al. in para. 0179 and Fig. 9 teach the step of “obtaining a time-lapse photography video image sequence includes selecting a video image sequence from a plurality of stored video image sequences”.

8. Claim 11.

Rowe et al. in para. 0025 teach the step of “(a) means for obtaining a time-lapse photography video image sequence of changing sky conditions over a selected time period; (b) means for recording weather information over the selected time period; (c) computer means for generating a dynamic graphical information presentation of changing weather conditions over the selected time period from the recorded weather information; and (d) mean for combining the dynamic graphical information presentation with the time-lapse photography video image sequence in a time synchronized manner to form a combined graphical information and time-lapse photography presentation in which both the time lapse video image sequence”, Rowe et al. in para. 0289 teach the step of “the dynamic graphical information presentation change dynamically when the combined graphical information and time lapse photography presentation is played to show simultaneously time synchronized dynamically changing sky conditions and weather conditions over the selected time period”. Rowe in fig. 17 step 913 illustrates weather conditions (temperature, animation/video and forecast over 5 day, and in step 970 illustrates the animation/video that simultaneously time synchronized dynamically changing, and also in step 952 shows the control keys to playback the presentation.

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9. Claim 13.

Rowe et al. in para. 0221 teach the step of “combining a time-lapse clock display with the combined graphical information and time-lapse photography presentation”.

10. Claim 14.

The step of “obtaining a time-lapse photography video image sequence includes a computer processor controlled video camera” is inherent, for example the converter of VGA and NTSC system synchronize the time-lapse video image.

11. Claim 16.

Rowe et al. in Fig. 3A teach the step of “recording weather information over the selected time period includes an automated weather station for gathering automatically the weather information”.

12. Claim 17.

Rowe et al. in para. 0179 and Fig. 9 teach the step of “obtaining a time-lapse photography video image sequence includes means for selecting a video image sequence from a plurality of stored video image sequences”.

13. Claim 19.

Rowe et al. in para. 0221 teach the step of “generating a dynamic graphical information presentation and the means for combining the dynamic graphical information presentation with the time-lapse photography video image sequence to form a combined graphical information and time-lapse photography presentation include a computer processor system”.

14. Claim 20.

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Rowe et al. in para. 0025 teach the step of (a) obtaining a time-lapse photography video image sequence of changing sky conditions over a selected time frame; (b) generating in a computer a dynamic graphical information presentation of changing forecast weather conditions over the selected time frame from the weather condition forecast information; (c) obtaining a video image sequence of sky conditions corresponding to the weather condition forecast information for the selected time frame; and (d) combining the dynamic graphical information presentation with the time-lapse photography video image sequence in a time synchronized manner to form a combined graphical information and time-lapse photography presentation in which both the time lapse video image sequence”, Rowe et al. in para. 0289 teach the step of “the dynamic graphical information presentation change dynamically when the combined graphical information and time lapse photography presentation is played to show simultaneously time synchronized dynamically changing forecast sky conditions and forecast weather conditions over the selected time frame”.

Rowe in fig. 17 step 913 illustrates weather conditions (temperature, animation/video and forecast over 5 day, and in step 970 illustrates the animation/video that simultaneously time synchronized dynamically changing, and also in step 952 shows the control keys to playback the presentation.

15. Claim 21.

Rowe et al. in Fig. 4A step 104 teach the step of “obtaining the weather condition forecast information includes running a weather forecasting computer model”.

16. Claim 22.

Rowe et al. in para. 0102, 0179; Figs. 9-11 and table A teach the step of “obtaining a video image sequence includes selecting a video image sequence of sky conditions corresponding to

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the weather condition forecast information from a plurality of stored video image sequences of a variety of sky conditions”.

17. Claim 23.

Rowe et al. in para. 0136 teach the step of “selecting a video image sequence of sky conditions corresponding to the weather condition forecast information from a plurality of stored video image sequences of a variety of sky conditions is performed automatically”.

18. Claim 24.

Rowe et al. in para. 0102, 0179; Figs. 9-11 and table A teach the step of “obtaining a video image sequence includes obtaining a time-lapse photography video image sequence of sky conditions corresponding to the weather condition forecast information”.

19. Claim 25.

Rowe et al. in para. 0025 teach the step of “(a) means for obtaining weather condition forecast information for selected time frame; (b) computer means for generating a dynamic graphical information presentation of changing forecast weather conditions over the selected time frame from the weather condition forecast information; (c) means for obtaining a video image sequence of sky conditions corresponding to the weather condition forecast information over the selected time frame;”, Rowe et al. in para. 0289 teach the step of (d) means for combining the dynamic graphical information presentation and the video image sequence to form a combined dynamic graphical information and video sequence weather forecast presentation in which both the video image sequence and the dynamic graphical information presentation change dynamically when the combined graphical information and video presentation is played to show simultaneously time synchronized dynamically changing forecast sky conditions and forecast weather conditions

over the selected time frame”. Rowe in fig. 17 step 913 illustrates weather conditions (temperature, animation/video and forecast over 5 day, and in step 970 illustrates the animation/video that simultaneously time synchronized dynamically changing, and also in step 952 shows the control keys to playback the presentation.

20. Claim 26.

Rowe et al. in Fig. 4A step 104 teach the step of “obtaining weather condition forecast information includes a weather forecasting computer model”.

21. Claim 27.

Rowe et al. in para. 0102, 0179; Figs. 9-11 and table A teach the step of “obtaining a video image sequence includes means for selecting a video image sequence of sky conditions corresponding to the weather condition forecast information from a plurality of stored video image sequences of a variety of sky conditions”.

22. Claim 28.

Rowe et al. in para. 0102, 0179; Figs. 9-11 and table A teach the step of “obtaining a video image sequence includes the step of obtaining a time-lapse photography video image sequence of sky conditions corresponding to the weather condition forecast information”.

23. Claim 29.

Rowe et al. in para. 0221 teach the step of “generating a dynamic graphical information presentation from the weather condition forecast information and the means for combining the dynamic graphical information presentation and the video image sequence to form a combined dynamic graphical information and video sequence weather forecast presentation include a

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computer processor system". The step of "include computer processor" is inherent, for example the converter of VGA and NTSC system synchronize the time-lapse video image.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The examiner can normally be reached on 8-4pm.

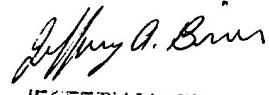
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini  
Examiner  
Art Unit 2672

Javid Amini



JEFFERY A. AMINI  
PRIMARY EXAMINER